

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/938,874

Confirmation No.: 3540

Applicant : Jeff S. Eder

Filed : August 27, 2001

For: A method of and system for analyzing, modeling and valuing elements of a business enterprise

Art Unit : 3696

Examiner : Frantzy Poinvil

Docket No. : AR - 21

Customer No. : 53787

Letter

Dear Sir or Madam:

The Assignee is in receipt of an advisory action before the filing of an appeal brief dated June 25, 2009 for the above referenced application. The advisory action states that the application is not in a condition for allowance because the withdrawn claims have not been cancelled. The Assignee notes that this apparent requirement is arbitrary and capricious because:

1. the Assignee can not find any statutory basis for requiring the withdrawal of claims before issuing a notice of allowance, and
2. considerable evidence shows that an apparent failure to apply one or more relevant statutes during prosecution enables the allowance and issue of a number of patents to large companies has been developed.

Given the above, it would be arbitrary and capricious to extend the prosecution of the above referenced application any further. Accordingly, the Assignee requests that a notice of allowance for the currently pending claims be provided at the Examiner's earliest convenience.

Respectfully submitted,

Asset Trust, Inc.

/B.J. Bennett/

B.J. Bennett, President
Dated: October 26, 2009